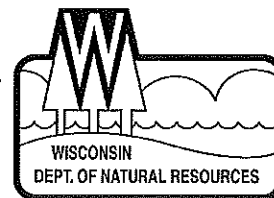


State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



Ms. Tinka Hyde, Director, Water Division
U.S. EPA, Region 5
77 W. Jackson
Chicago, IL 60604

Subject: Request for Approval of a Variance from Water Quality Standards for Mercury
Receiving Stream: Mouth of the Lower Fox River
Permittee: Wisconsin Public Service Corporation – J.P. Pulliam Generating Station -
WPDES Permit No. WI-0000965-09-0

Dear Ms. Hyde:

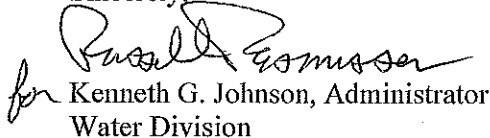
In accordance with § 283.15 of the Wisconsin Statutes and Chapter 40, Part 131 of the Code of Federal Regulations, the Department requests U.S. EPA, Region 5 to approve a water quality standards variance for the above-referenced discharge. The water quality criterion for which the permittee is seeking a variance is contained in chapter NR 105, Wisconsin Administrative Code.

To assist your staff during their review, relevant background information pertaining to this variance is attached to this letter. The proposed permit was publicly noticed on February 20, 2013. The comment period has now ended. Some comments were received on the draft permit relating to the proposed variance.

We are committed to working with the permittee during the term of this variance to find a solution that will lead toward full compliance with the applicable water quality standard. Conditions on the variance, to be included in the WPDES permit, specify actions to be taken by the permittee and timetables for those actions.

We appreciate your consideration of this request. Should you have further questions regarding this matter, please contact Nile Ostenso at 608-266-9239.

Sincerely,


for Kenneth G. Johnson, Administrator
Water Division

DATED: June 28, 2013

Attachment

e-cc

Susan Sylvester - WT/3
David Pfeifer - EPA, Region 5
Diane Figiel – WT/3

Gary Kincaid - NER / Green Bay
Water Evaluation - WT/3
Robin Nyffeler– LS/8

BACKGROUND INFORMATION REGARDING WATER QUALITY STANDARDS VARIANCE

Receiving Stream: **Mouth of the Lower Fox River, Brown County**

Receiving Stream Classification: **Full Fish & Aquatic Life, Public water supply**

Permittee Name: **Wisconsin Public Service Corporation, J.P. Pulliam Generating Station**

WPDES Permit No. : **WI-0000965-08-0**

Substance: **Total Recoverable Mercury**

Criterion: **1.3 ng/L (wildlife)**

Water Quality Based Effluent Limit: **1.3 ng/L as a monthly average**

Existing Permit Limit: **no limit**

Permit Limit Based on Proposed Variance: **48 ng/L as a daily maximum**

Duration of Variance: **From the date of permit reissuance through the proposed permit expiration date of June 30, 2018 the limit of 48 ng/L would be in effect as a variance limit.**

Department Rationale for Approving Variance: **See Attached Justification**

Conditions to be Included in WPDES Permit: **See Attached Draft Permit being sent to EPA in Electronic Format**

List of Supporting Documents Attached:

Certification from DNR Chief Legal Council

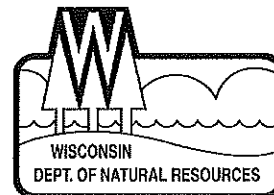
Documents Being Sent Electronically to David Pfeifer

- **Justification for Alternative Mercury Effluent Limitation – Dated February 20, 2013 (See Permit Fact Sheet)**
- **Environmental Impacts Evaluation – February 20, 2013 (See Permit Fact Sheet)**
- **Public Notice of Intent to Reissue the Permit and Approve a Variance**
- **Draft Permit and Public Information Form (the Permit Fact Sheet)**
- **Water Quality Based Effluent Limitation Evaluation Documents (See Permit Fact Sheet)**
- **Draft Notice of Final Determination**
- **Copy of Comments**
- **Data (See Permit Fact Sheet-WQBEL)**

:

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Ms. Tinka Hyde, Director, Water Division
U.S. EPA, Region 5
77 W. Jackson
Chicago, IL 60604

Subject: Certification Statement for Approval of a Variance to Water Quality Standards
J.P. Pulliam Generating Station - WPDES Permit No. WI-0000965-09-0

Dear Ms. Hyde:

The Wisconsin Department of Natural Resources is proposing a variance to water quality standards used to establish effluent limitations for mercury at the above-named facility.

Pursuant to §§ 40 CFR Part 131.21 and 131.6, the Department must submit a certification statement to EPA for each variance approved in the state. The statement must certify that the variance to a water quality standard was approved in accordance with state law.

Accordingly, I hereby certify that the mercury variance was reviewed and approved by Department staff in accordance with procedures in subchapter III of chapter NR 106, Wis. Adm. Code. The application for this variance was submitted on December 17, 2010 and the department public noticed its intent to reissue the permit and grant the mercury variance on February 20, 2013 in accordance with Wis. Stat. §§ 283.15(3) and 283.39.

If you have any questions regarding the variance approval, please contact Nile Ostenso at 608-266-9239.

Sincerely,

Timothy A. Andryk
Chief Legal Counsel

DATED IN MADISON: June 4, 2013